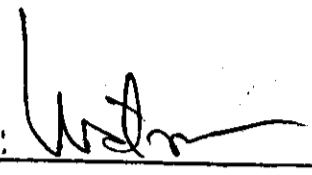


original

By:



J.R. No. 20

A JOINT RESOLUTION

proposing amendments to Sections 33 and 40, Article XVI, Constitution of the State of Texas, to exempt directors of soil and water conservation districts from prohibitions against dual office-holding and dual compensation.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 33, Article XVI, Constitution of the State of Texas, be amended to read as follows:

"Section 33. The Accounting Officers of this State shall neither draw nor pay a warrant upon the Treasury in favor of any person for salary or compensation as agent, officer or appointee, who holds at the same time any other office or position of honor, trust, or profit, under this State, except as prescribed in this Constitution. Provided, that this restriction as to the drawing and paying of warrants upon the Treasury shall not apply to officers of the National Guard or Air National Guard of Texas, the National Guard Reserve, the Air National Guard Reserve, the Air Force Reserve, the Officers Reserve Corps of the United States, nor to enlisted men of the National Guard, the Air National Guard, the National Guard Reserve, the Air National Guard Reserve, the Air Force Reserve, and the Organized Reserve of the United States, nor to retired officers of the United States Army, Air Force, Navy, and Marine Corps, and retired warrant officers and retired enlisted men of the United States Army, Air Force, Navy, and Marine Corps, nor to Directors of Soil and Water Conservation Districts. It is further provided, until September 1, 1969, and thereafter only if authorized by the Legislature by general law under such restrictions and limitations as the Legislature may prescribe, that a non-elective State officer or employee may hold other non-elective offices or positions of honor, trust, or profit under this State or the United States, if the other offices or positions are of benefit to the State of Texas or are required by State or federal law, and there is no conflict with the original office or position for which he receives salary or compensation. No member of the Legislature of this State may hold any other office or position of profit under this State, or the United States."

Sec. 2. That Section 40, Article XVI, Constitution of the State of Texas, be amended to read as follows:

"Section 40. No person shall hold or exercise, at the same time, more than one Civil Office of emolument, except that of Director of a Soil and Water Conservation District, Justice of Peace, County Commissioner, Notary Public and Postmaster, Officer of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserve, and the Organized

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SJR No. 20

1 Reserves of the United States, and retired officers of the United
2 States Army, Navy, and Marine Corps, and retired warrant officers,
3 and retired enlisted men of the United States Army, Navy, and
4 Marine Corps, unless otherwise specially provided herein. Pro-
5 vided, that nothing in this Constitution shall be construed to
6 prohibit a Director of a Soil and Water Conservation District, an
7 officer or enlisted man of the National Guard, and the National
8 Guard Reserve, or an officer in the Officers Reserve Corps of the
9 United States, or an enlisted man in the Organized Reserves of
10 the United States, or retired officers of the United States
11 Army, Navy, and Marine Corps, and retired warrant officers, and
12 retired enlisted men of the United States Army, Navy, and Marine
13 Corps, from holding in conjunction with such office any other
14 office or position of honor, trust or profit, under this State
15 or the United States, or from voting at any Election, General,
16 Special or Primary, in this State when otherwise qualified."

17 Sec. 3. The foregoing constitutional amendment shall be
18 submitted to a vote of the qualified electors of this State at an
19 election to be held on May 18, 1971, at which the ballots shall
20 be printed to provide for voting for or against the proposition:
21 "The constitutional amendment to provide that directors of soil
22 and water conservation districts are not disqualified from
23 holding or being compensated for more than one office."
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2-3, 1967

We, your Committee on Constitutional Amendments
to which was referred S.B. No. 20, have had the same under
consideration, and we are instructed to report it back to the
Senate with the recommendation that it do _____ pass _____
_____, and be printed.

By: Watson

S. J. R. No. 20

A JOINT RESOLUTION

proposing amendments to Sections 33 and 40, Article XVI,
Constitution of the State of Texas, to exempt directors of soil and
water conservation districts from prohibitions against dual
office-holding and dual compensation.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 33, Article XVI, Constitution of
the State of Texas, be amended to read as follows:

"Section 33. The Accounting Officers of this State shall
neither draw nor pay a warrant upon the Treasury in favor of any
person for salary or compensation as agent, officer or appointee,
who holds at the same time any other office or position of honor,
trust, or profit, under this State, except as prescribed in this
Constitution. ~~Provided, that~~ this restriction as to the drawing and
paying of warrants upon the Treasury shall not apply to officers of
the National Guard or Air National Guard of Texas, the
National Guard Reserve, the Air National Guard Reserve, the
Air Force Reserve, the Officers Reserve Corps of the United States,
nor to enlisted men of the National Guard, the Air National Guard,
the National Guard Reserve, the Air National Guard Reserve, the
Air Force Reserve, and the Organized Reserve of the United States,
nor to retired officers of the United States Army, Air Force, Navy,
and Marine Corps, and retired warrant officers and retired enlisted
men of the United States Army, Air Force, Navy, and Marine Corps,
nor to Directors of Soil and Water Conservation Districts. It is
further provided, until September 1, 1969, and thereafter only if
authorized by the Legislature by general law under such

restrictions and limitations as the Legislature may prescribe, that a nonelective State officer or employee may hold other nonelective offices or positions of honor, trust, or profit under this State or the United States, if the other offices or positions are of benefit to the State of Texas or are required by State or federal law, and there is no conflict with the original office or position for which he receives salary or compensation. No member of the Legislature of this State may hold any other office or position of profit under this State, or the United States."

Sec. 2. That Section 40, Article XVI, Constitution of the State of Texas, be amended to read as follows:

"Section 40. No person shall hold or exercise, at the same time, more than one Civil Office of emolument, except that of Director of a Soil and Water Conservation District, Justice of Peace, County Commissioner, Notary Public and Postmaster, Officer of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Navy, and Marine Corps, and retired warrant officers, and retired enlisted men of the United States Army, Navy, and Marine Corps, unless otherwise specially provided herein. Provided, that nothing in this Constitution shall be construed to prohibit a Director of a Soil and Water Conservation District, an officer or enlisted man of the National Guard, and the National Guard Reserve, or an officer in the Officers Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army,

Navy, and Marine Corps, and retired warrant officers, and retired enlisted men of the United States Army, Navy, and Marine Corps, from holding in conjunction with such office any other office or position of honor, trust or profit, under this State or the United States, or from voting at any Election, General, Special or Primary, in this State when otherwise qualified."

Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on May 18, 1971, at which the ballots shall be printed to provide for voting for or against the proposition:
"The constitutional amendment to provide that directors of soil and water conservation districts are not disqualified from holding or being compensated for more than one office."

BILL ANALYSIS

By: Watson

S.J.R. No. 20
Committee on Constitutional Amendments

Background:

At present it is estimated that there are approximately 300 directors of soil and water conservation districts who also hold offices on local school boards, etc. This amendment authorizes those affected persons to hold both offices. This amendment is necessary in order to insure that soil and water conservation districts continue to have qualified management.

Purpose:

To exempt directors of soil and water conservation districts from prohibitions against dual office-holding and dual compensation.

Section By Section Analysis:

Section 1. Amends Section 33, Article 16, Constitution of the State of Texas. Adds directors of soil and water conservation districts to the list of those exempt from prohibitions against dual office-holding and dual compensation.

Section 2. Amends Section 40, Article 16, Constitution of the State of Texas. Allows directors of soil and water district to hold more than one civil office of emolument and to vote at any election.

Section 3. Specifies date for submission to voters:
May 18, 1971.

Summary of Committee Action:

Passed ~~as amended~~ by a voice vote.

FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date Feb 4 1971

HON. G. F. (GUS) MUTSCHER

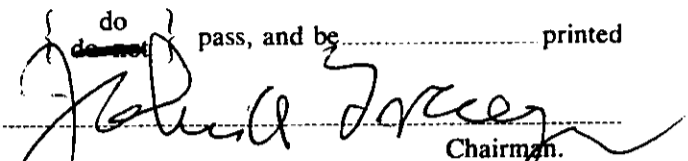
Speaker of the House of Representatives.

Sir:

We, your Committee on Constitutional Amendments, to whom was

referred SJR No. 20, have had the same under consideration

and beg to report back with recommendation that it ^{do}~~do not~~ pass, and be printed


Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

1 By: Watson

S. J. R. No. 20

2 (In the Senate. --February 3, 1971, filed with the Secretary of the Senate;
3 February 3, 1971, read, referred to Committee on Constitutional Amend-
4 ments: February 3, 1971, reported favorably; February 4, 1971, Senate
5 and Constitutional Rules to permit consideration suspended by 30 yeas,
6 1 nays; February 4, 1971, read second time and ordered engrossed; Feb-
7 ruary 4, 1971, Senate and Constitutional 3-Day Rules suspended by vote of
8 30 yeas, 1 nays to place bill on third reading and final passage; February 4,
9 1971, read third time and passed by 30 yeas, 1 nays.)

10 CHARLES SCHNABEL
11 Secretary of the Senate

12 February 4, 1971, Engrossed.

13 BEA LEWIS
14 Engrossing Clerk

15 February 4, 1971, Sent to House.

16 February 4, 1971, Received from the Senate.

17 DOROTHY HALLMAN

18 Chief Clerk, House of Representatives

19 (In the House. --February 4, 1971, read first time and referred to Com-
20 mittee on Constitutional Amendments; February 4, 1971, reported favorably,
21 sent to Printer.)

22 A JOINT RESOLUTION

23 Proposing amendments to Sections 33 and 40, Article XVI,
24 Constitution of the State of Texas, to exempt directors of
25 soil and water conservation districts from prohibitions
26 against dual office-holding and dual compensation.

27 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

28 Section 1. That Section 33, Article XVI, Constitution of the State
29 of Texas, be amended to read as follows:

30 "Section 33. The Accounting Officers of this State shall neither
31 draw nor pay a warrant upon the Treasury in favor of any person for
32 salary or compensation as agent, officer or appointee, who holds at the same
33 time any other office or position of honor, trust, or profit, under this
34 State, except as prescribed in this Constitution. Provided, that this
35 restriction as to the drawing and paying of warrants upon the Treasury
36 shall not apply to officers of the National Guard or Air National Guard
37 of Texas, the National Guard Reserve, the Air National Guard Reserve,
38 the Air Force Reserve, the Officers Reserve Corps of the United States,
39 nor to enlisted men of the National Guard, the Air National Guard, the
40 National Guard Reserve, the Air National Guard Reserve, the Air Force
41 Reserve, and the Organized Reserve of the United States, nor to retired
42 officers of the United States Army, Air Force, Navy, and Marine Corps,
43 and retired warrant officers and retired enlisted men of the United
44 States Army, Air Force, Navy, and Marine Corps, ((.)) nor to Directors
45 of Soil and Water Conservation Districts. It is further provided, until
46 September 1, 1969, and thereafter only if authorized by the Legislature
47 by general law under such restrictions and limitations as the Legislature
48 may prescribe, that a nonelective State officer or employee may hold other
49 nonelective officers or positions of honor, trust, or profit under this
50 State or the United States, if the other offices or positions are of benefit
51 to the State of Texas or are required by State or federal law, and there
52 is no conflict with the original office or position for which he receives
53 salary or compensation. No member of the Legislature of this State may
54 hold any other office or position or profit under this State, of the United
55 States."

56 Sec. 2. That Section 40, Article XVI, Constitution of the State of Texas,
57 be amended to read as follows:

58 "Section 40. No person shall hold or exercise, at the same time, more
59 than one Civil Office or emolument, except that of Director of a Soil and
60 Water Conservation District, Justice of Peace, County Commissioner,

1 Notary Public and Postmaster, Officer of the National Guard, the National
2 Guard Reserve, and the Officers Reserve Corps of the United States and
3 enlisted men of the National Guard, the National Guard Reserve, and the
4 Organized Reserves of the United States, and retired officers of the
5 United States Army, Navy, and Marine Corps, and retired warrant
6 officers, and retired enlisted men of the United States Army, Navy, and
7 Marine Corps, unless otherwise specially provided herein. Provided, that
8 nothing in this Constitution shall be construed to prohibit a Director of
9 a Soil and Water Conservation District, an officer or enlisted man of
10 the National Guard, and the National Guard Reserve, or an officer in the
11 Officers Reserve Corps of the United States, or an enlisted man in the
12 Organized Reserves of the United States, or retired officers of the United
13 States Army, Navy, and Marine Corps, and retired warrant officers, and
14 retired enlisted men of the United States Army, Navy, and Marine Corps,
15 from holding in conjunction with such office any other office or position
16 of honor, trust or profit, under this State or the United States, or from
17 voting at any Election, ((;)) General, Special or Primary, in this State
18 when otherwise qualified. "

19 Sec. 3. The foregoing constitutional amendment shall be submitted to a
20 vote of the qualified electors of this State at an election to be held on
21 May 18, 1971, at which the ballots shall be printed to provide for voting
22 for or against the proposition: "The constitutional amendment to provide
23 that directors of soil and water conservation districts are not disqualified
24 from holding or being compensated for more than one office. "

25
26 COMMITTEE REPORT

27 COMMITTEE ROOM

28 Austin, Texas, February 4, 1971

29 Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

30 SIR: We, your Committee on Constitutional Amendments, to whom was
31 referred S. J. R. No. 20, have had the same under consideration and beg to
32 report back with recommendation that it do pass, and be printed.

33 John A. Traeger, Chairman
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BILL ANALYSIS

S. J. R. No. 20

Background:

At present it is estimated that there are approximately 300 directors of soil and water conservation districts who also hold offices on local school boards, etc. This amendment authorized those affected persons to hold both offices. This amendment is necessary in order to insure that soil and water conservation districts continue to have qualified management.

Purpose:

To exempt directors of soil and water conservation districts from prohibitions against dual office-holding and dual compensation.

Section by Section Analysis:

Section 1. Amends Section 33, Article 16, Constitution of the State of Texas. Adds directors of soil and water conservation districts to the list of those exempt from prohibitions against dual office-holding and dual compensation.

Section 2. Amends Section 40, Article 16, Constitution of the State of Texas. Allows directors of soil and water district to hold more than one civil office of emolument and to vote at any election.

Section 3. Specifies date for submission to voters: May 18, 1971.

Summary of Committee Action:

Passed by a voice vote.

Clarke
Amendment #1
①

Amend SJR #20 by striking that part of the first sentence of
Section 3, on lines 19 and 20, and the date on line 21, and
substitute the following in lieu thereof:

"The foregoing constitutional amendment shall be submitted
to a vote of the qualified electors of this State at an election
to be held on the first Tuesday after the first Monday in November,
1972."

SEP 14 1972

DATE

READ AND APPROVED

W. Hallman
CLERK
HOUSE OF REPRESENTATIVES

[Signature]

②

Rene C. C.

Amend second printing of SJR no 20
by adding ~~the~~ on page 1, line 45 after
the word "District." the following:
"A member of the legislature shall not
be eligible to serve as a Director of a
Soil and Water Conservation District of
~~County.~~

APR 14 1971

DATE _____

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

A JOINT RESOLUTION

proposing amendments to Sections 33 and 40, Article XVI,
Constitution of the State of Texas, to exempt directors of soil and
water conservation districts from prohibitions against dual
office-holding and dual compensation.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 33, Article XVI, Constitution of
the State of Texas, be amended to read as follows:

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person for salary or compensation as agent, officer or appointee,
who holds at the same time any other office or position of honor,
trust, or profit, under this State, except as prescribed in this
Constitution. Provided, that this restriction as to the drawing and
paying of warrants upon the Treasury shall not apply to officers of
the National Guard or Air National Guard of Texas, the
National Guard Reserve, the Air National Guard Reserve, the
Air Force Reserve, the Officers Reserve Corps of the United States,
nor to enlisted men of the National Guard, the Air National Guard,
the National Guard Reserve, the Air National Guard Reserve, the
Air Force Reserve, and the Organized Reserve of the United States,
nor to retired officers of the United States Army, Air Force, Navy,
and Marine Corps, and retired warrant officers and retired enlisted
men of the United States Army, Air Force, Navy, and Marine Corps,
nor to Directors of Soil and Water Conservation Districts. A
member of the Legislature shall not be eligible to serve as a
Director of a Soil and Water Conservation District. It is further

provided, until September 1, 1969, and thereafter only if
authorized by the Legislature by general law under such
restrictions and limitations as the Legislature may prescribe, that
a nonelective State officer or employee may hold other nonelective
offices or positions of honor, trust, or profit under this State or
the United States, if the other offices or positions are of benefit
to the State of Texas or are required by State or federal law, and
there is no conflict with the original office or position for which
he receives salary or compensation. No member of the Legislature of
this State may hold any other office or position of profit under
this State, or the United States."

Sec. 2. That Section 40, Article XVI, Constitution of the
State of Texas, be amended to read as follows:

"Section 40. No person shall hold or exercise, at the same
time, more than one Civil Office of emolument, except that of
Director of a Soil and Water Conservation District,
Justice of Peace, County Commissioner, Notary Public and Postmaster,
Officer of the National Guard, the National Guard Reserve, and the
Officers Reserve Corps of the United States and enlisted men of the
National Guard, the National Guard Reserve, and the
Organized Reserves of the United States, and retired officers of
the United States Army, Navy, and Marine Corps, and retired warrant
officers, and retired enlisted men of the United States Army, Navy,
and Marine Corps, unless otherwise specially provided herein.
Provided, that nothing in this Constitution shall be construed to
prohibit a Director of a Soil and Water Conservation District, an
officer or enlisted man of the National Guard, and the
National Guard Reserve, or an officer in the Officers Reserve Corps

of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army, Navy, and Marine Corps, and retired warrant officers, and retired enlisted men of the United States Army, Navy, and Marine Corps, from holding in conjunction with such office any other office or position of honor, trust or profit, under this State or the United States, or from voting at any Election, General, Special or Primary, in this State when otherwise qualified."

Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1972, at which the ballots shall be printed to provide for voting for or against the proposition:

"The constitutional amendment to provide that directors of soil and water conservation districts are not disqualified from holding or being compensated for more than one office."

Ben Barnes
Lieutenant Governor

Ed Mitchell
Speaker of the House

I hereby certify that S. J. R. No. 20 passed the Senate on February 4, 1971, by the following vote: Yeas 30, Nays 1; April 19, 1971, Senate concurred in House amendments by the following vote: Yeas 29, Nays 2.

Charles Schnatz
Secretary of the Senate

I hereby certify that S. J. R. No. 20 passed the House on April 14, 1971, with amendments, by the following vote: Yeas 113, Nays 29.

Terrell Hallman
Chief Clerk of the House

Approved:

April 27, 1971
Date

Preston Smith
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:20 PM CLOCK

APR 27 1971
Martin Dies
Secretary of State

diagram

APR 20 1971

S.B. No. 2-3-71
S.J.R.

By Watson

SENATE JOINT RESOLUTION

proposing amendments to Sections 33 and 40, Article XVI, Constitution of the State of Texas, to exempt directors of soil and water conservation districts from prohibitions against dual office-holding and dual compensation.

Filed with the Secretary of the Senate

FEB 3 1971

Read, referred to Committee on Constitutional Amendments

FEB 3 1971

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

FEB 4 1971

Senate and Constitutional Rules to permit consideration suspended by

unanimous consent.

30 yeas, 1 nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

FEB 4 1971

Read second time and ordered engrossed.
passed to third reading.

Caption ordered amended to conform to body of bill.

FEB 4 1971

Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas, 1 nays to place bill on third reading and final passage.

FEB 4 1971

Read third time and passed by a viva-voce vote.
30 yeas, 1 nays.

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

2-4-71 Engrossed

FEB 4 1971 Sent to HOUSE

ENGROSSING CLERK

FEB 4 1971

Received from
the Senate

Dorothy Hallman

Chief Clerk, House of Representatives

READ 1st TIME

AND REFERRED TO COMMITTEE ON

Constitutional
Amendments

Dorothy Hallman

Chief Clerk, House of Representatives

FEB 4 1971

REPORTED FAVORABLY

FEB 5 1971

MOTION TO SUSPEND ALL NECESSARY RULES IN ORDER TO TAKE UP AND CONSIDER AT THIS TIME S.J.R. #20 PREVAILED BY NON-RECORD VOTE.

Dorothy Hallman

Chief Clerk, House of Representatives

FEB 5 1971

READ SECOND
TIME AND

Read Second Time and passed to third reading by vote 91 yeas, 31 noes.

Dorothy Hallman

Chief Clerk, House of Representatives

PRINTED, DISTRIBUTED AND

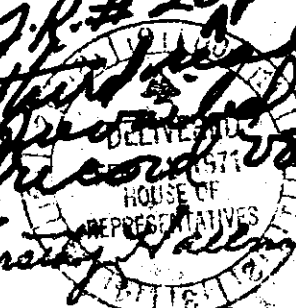
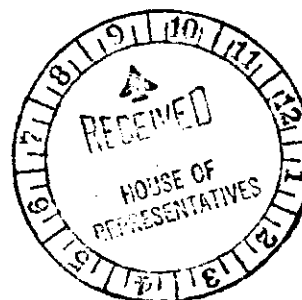
REFERRED TO COMMITTEE ON

RULES 9:15 P.M. (Time)

FEB 5 1971

(Date)

Motion to suspend the rules by which the vote of S.J.R. #20 passed to third reading prevailed by non-record vote.
Dorothy Hallman
Chief Clerk, House of Representatives



FEB 5 1971

[Handwritten signature]
Read third time
and Passed
by following vote: yeas
Nays

Chief Clerk
HOUSE OF REPRESENTATIVES

FEB 5 1971

SPR 20
Read Second Time and passed to
third reading by vote 95 yeas, 21 noes.

Dorothy Hallman

Chief Clerk, House of Representatives

*Postponed to March 15
1971 at 11:30 A.M.*

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 17 1971

*Postponed to March 29
1971 at 11:30 A.M.*

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 30 1971

*Motion to postpone further
consideration of SPR No 20
until April 14, 1971 at
11:00 A.M. prevailed by non
record vote*

Dorothy Hallman

Chief Clerk, House of Representatives

~~MAR 30 1971 SENT TO SENATE~~

APR 14 1971

amended Read third time
and Passed
by following vote: yeas 113
Nays 29

Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

APR 14 1971

MOTION TO RECONSIDER THE VOTE BY
WHICH *SPR No 20* WAS
ADOPTED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED PASSED BY A *voice-record* VOTE

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

APR 14 1971 RETURNED TO SENATE

RETURNED APR 14 1971

FROM HOUSE, with amendments

APR 19 1971

Senate concurred in House amend-
ments by the following vote: 29
yeas, 2 nays